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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/339,325	06/23/1999	YOAV SHOHAM	003660.P001X	2458

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EXAMINER
YOUNG, JOHN L

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 01/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/339,325	Shoham et al.
Examiner	**Art Unit**
John Young	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Nov 4, 2002* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7, 9-13, and 15-22* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7, 9-13, and 15-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

REQUEST FOR CONTINUED EXAMINATION (RCE)

1. **The request for continued examination (RCE) filed on 11/04/2002 under 37 CFR 1.114 based on parent Application No. 09/339,325 is acceptable and an RCE has been established. An action on the RCE follows:**

2. **Claims 1-7, 9-13 & 15-22 are pending.**

DRAWINGS

3. This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS

CLAIM REJECTIONS — 35 U.S.C. §112 ¶2

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Antecedent Basis and Inferential Claiming

4. Claim 2 is rejected as being indefinite under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 2 suffers from inferential claiming, at line 6; there is no explicit antecedent basis in the claim for "the bidding rule. . . ."

Appropriate correction is required.

5. Claim 5 is rejected as being indefinite under 35 U.S.C. §112, second paragraph, for reciting improper Markush claim language.

Appropriate correction is required.

6. Claims 11-13 are rejected as being indefinite under 35 U.S.C. §112, second paragraph, because of lack of antecedent.

Appropriate corrections are required.

NEW CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

7. Independent claims 1, 15 & 22 and dependent claims 2-7 & 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Friedland 6,449,601 (09/10/2002) [US f/d: 12/30/1998] (herein referred to as "Friedland")

As per claim 1, Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 3, ll. 1-43; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "A universal auction system having a programmable auction server, the programmable auction server comprising: a plurality of auction modules to be configured by a user to deploy the universal auction system, wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier to determine the eligibility of one of a plurality of traders to the universal auction system based on previous auction history, an information manager to provide information to be released by the universal auction system based on an auction classification, a clearer to implement a clearing calculation based on a discriminating allocation policy, a bid transformer to transform a submitted bid of one of the plurality of traders, and a proxy bidder to automatically submit a bid of a trader."

Friedland lacks an explicit recitation of: "a proxy bidder to automatically submit a bid of a trader. . . ." even though Friedland (col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (col. 21, ll. 1-45) would have been selected in accordance with "a proxy bidder to automatically submit a bid of a trader. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 2, Friedland shows the system of claim 1.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 3, ll. 1-43; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "auction modules wherein at least one auction specification module performs at least one transaction selected from the group consisting of a bid verification transaction selected from the group consisting of a bid verification transaction to determine where the submitted bid qualifies based on the bidding rule, an information management transaction to present the submitted bid via a user interface, a clearing transaction to clear the submitted bid, and a bid transformation transaction."

Friedland lacks an explicit recitation of: "a bid verification transaction to determine where the submitted bid qualifies based on the bidding rule. . . ." even though

Friedland (col. 8, ll. 1-67; col. 9, ll. 1-67; and col. 13, ll. 1-67) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (col. 8, ll. 1-67; col. 9, ll. 1-67; and col. 13, ll. 1-67) would have been selected in accordance with "a bid verification transaction to determine where the submitted bid qualifies based on the bidding rule. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 3, Friedland shows the system of claim 1.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; ; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "a set of trading primitives; a script interpreter for interpreting a temporal protocol script representing an auction specification, the script including references to at least a portion of the set of trading primitives; and means for switching an auction specification of one phase with an auction specification of another phase."

Friedland lacks an explicit recitation of: "means for switching an auction specification of one phase with an auction specification of another phase. . . ." even though Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3,

ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) would have been selected in accordance with "means for switching an auction specification of one phase with an auction specification of another phase. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 4, Friedland shows the system of claim 3.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "wherein at least one auction module f one phase is replaced with at least one auction module of another phase."

Friedland lacks an explicit recitation of: "wherein at least one auction module of one phase is replaced with at least one auction module of another phase. . . ." even though Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60;

col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67; col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) would have been selected in accordance with "wherein at least one auction module of one phase is replaced with at least one auction module of another phase. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 5, Friedland shows the system of claim 1.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "at least one phase consisting of an interval in which at least one transaction occurs, the transaction is selected from the group comprising submitting a bid, admitting a bid, withdrawing a bid, replacing a bid, and

transforming a bid."

Friedland lacks an explicit recitation of: "at least one phase consisting of an interval in which at least one transaction occurs, the transaction is selected from the group comprising submitting a bid, admitting a bid, withdrawing a bid, replacing a bid, and transforming a bid. . . ." even though Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) would have been selected in accordance with "at least one phase consisting of an interval in which at least one transaction occurs, the transaction is selected from the group comprising submitting a bid, admitting a bid, withdrawing a bid, replacing a bid, and transforming a bid. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 6, Friedland shows the system of claim 5.

Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) shows elements that suggest: "wherein the phase is terminated by a condition."

Friedland lacks an explicit recitation of: "wherein the phase is terminated by a condition. . . ." even though Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) would have been selected in accordance with "wherein the phase is terminated by a condition. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 7, Friedland shows the system of claim 6.

Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) shows elements that suggest: "wherein the condition is a time period."

Friedland lacks an explicit recitation of: "wherein the condition is a time period. . . ." even though Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col.

2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (col. 20, ll. 17-37; col. 1, ll. 60-67; col. 2, ll. 1-5; col. 2, ll. 43-63; col. 3, ll. 42-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 13, ll. 62-67; and col. 14, ll. 1-43) would have been selected in accordance with "wherein the condition is a time period. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 9, Friedland shows the system of claim 22.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "the market specification console further comprising a plurality of rules wherein at least one rule is user-modifiable."

Friedland lacks an explicit recitation of: "the market specification console further comprising a plurality of rules wherein at least one rule is user-modifiable. . . ." even though Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60;

col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) would have been selected in accordance with "the market specification console further comprising a plurality of rules wherein at least one rule is user-modifiable. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 10, Friedland shows the system of claim 9.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "wherein rules comprise the market protocols."

Friedland lacks an explicit recitation of: "wherein rules comprise the market

protocols. . . ." even though Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) would have been selected in accordance with "wherein rules comprise the market protocols. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claims 11-13, Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest the elements and limitations of claims 11-13.

Friedland lacks an explicit recitation of the elements and limitations of claims 11-13.

"Official Notice" is taken that both the concept and the advantages of the elements and limitations of claims 11-13 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include "a graphic user interface (GUI). . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

Independent claim 15 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 16-21, Friedland shows the method of claim 15.

Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest the elements and limitations of claims 11-13.

Friedland lacks an explicit recitation of the elements and limitations of claims 16-21.

"Official Notice" is taken that both the concept and the advantages of the elements

and limitations of claims 16-21 were well known and expected in the art by one of ordinary skill at the time of the invention. It would have been obvious to include the elements and limitations of claims 16-21 because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

As per claim 22, Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 3, ll. 1-43; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) shows elements that suggest: "A universal auction specification system comprising: a market specification console configured to receive at least one market protocol from a user, the market protocols including a trading primitive that the user configures to dictate the behavior of the universal auction system; and a programmable auction server coupled to the market specification console via a network connection, the programmable auction server to receive the market protocols defined by the market specification console, the programmable auction server to implement at least one of the trading primitives to deploy and manage the universal auction system."

Friedland lacks an explicit recitation of: "A universal auction specification system comprising: a market specification console configured to receive at least one market protocol from a user, the market protocols including a trading primitive that the user configures to dictate the behavior of the universal auction system; and a programmable

auction server coupled to the market specification console via a network connection, the programmable auction server to receive the market protocols defined by the market specification console, the programmable auction server to implement at least one of the trading primitives to deploy and manage the universal auction system. . . ." even though Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Friedland (the ABSTRACT; FIG. 18; FIG. 19; FIG. 20; FIG. 21; FIG. 22; col. 1, ll. 4-10; col. 1, ll. 60-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 6, ll. 3-15; col. 7, ll. 20-60; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 37-67; col. 12, ll. 1-67; col. 13, ll. 1-67; col. 14, ll. 1-67; col. 15, ll. 36-67; col. 16, ll. 1-67, col. 17, ll. 1-67; col. 20, ll. 1-67; and col. 21, ll. 1-45) would have been selected in accordance with "A universal auction specification system comprising: a market specification console configured to receive at least one market protocol from a user, the market protocols including a trading primitive that the user configures to dictate the behavior of the universal auction system; and a programmable auction server coupled to the market specification console via a network connection, the programmable auction server to receive the market protocols defined by the market specification console, the

programmable auction server to implement at least one of the trading primitives to deploy and manage the universal auction system. . . ." because such selection would have provided means of *"distribution of realtime, live auctions. . . ."* (See Friedland col. 2, ll. 65-67).

RESPONSE TO ARGUMENTS

8. Applicant's Response to Office Action, i.e., arguments and request for reconsideration filed 11/04/2002 (papers #19 & 20) have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments against the 35 U.S.C. §103(a) rejections of claims 1-7, 9-13 &15-22 have been considered but are moot in view of the new ground(s) of rejection based on Applicant's amendments which prompted new grounds of rejection.

CONCLUSION

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The Examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

Partial Signatory Authority

January 17, 2003